REMARKS

In this response, claims 19 and 24 have been amended, and new independent claims 69 and 70 have been added. Thus, independent claims 1 and 66-70 (and dependent claims 2-65) are now pending in this application. The Office Action issued by the Examiner has been carefully considered.

Claims 19 and 24 have been amended to correct simple typographical errors in the originally-filed claims. No narrowing of scope is intended by these amendments.

Claims 1-10, 15-18, 21, 25-32, 34-47 and 52-68 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,697,824 B1) in view of Shostack et al. (U.S. 6,298,445 B1).

Applicant's independent claim 1 recites a plurality of network elements in a vehicle. Claim 1 also recites at least one vehicle bus, and moreover, claim 1 recites at least one gateway node in the vehicle.

As Applicant argued in its prior response, the Examiner has failed to show that Bowman-Amuah suggests coupling a plurality of network elements in a vehicle. Further, the Examiner has not shown where Bowman-Amuah teaches a vehicle bus. Finally, the Examiner has stated that Bowman-Amuah does not teach that at least one node includes at least one gateway node in the vehicle.

In reply to Applicant's prior response, the Examiner has now cited a new reference, Shostack et al. However, the sections cited by the Examiner in Shostack do not even mention the word "vehicle". In order to make a proper prima facie case of obviousness, the burden is on the Examiner to demonstrate that the prior art references that are applied themselves teach or suggest the elements of Applicant's claim 1. Here, the failure by the Examiner to properly cite a teaching or suggestion in any one of these references of a vehicle prevents the making of a prima facie case. Further, the Examiner's statement of a

benefit of using real-time updates does not itself suggest that such updates are associated with a vehicle.

In addition, Applicant's claim 1 recites a "gateway node comprising a first processor performing real-time processes and a second processor performing remaining processes other than the real-time processes". The Examiner has stated that Bowman-Amuah does not teach the foregoing and instead cites Shostack et el. at col. 10, lines 11-49, as teaching a second processor performing remaining processes other than the real-time processes.

The foregoing cited section of Shostack et al. describes an installation procedure in which an update processor 54 installs a software enhancement. An installer 58 is used in this procedure. However, the Examiner has failed to describe how this section of Shostack et al. teaches a second processor or how Shostack et al. describes processes other than the real-time processes. The Examiner cites col. 2, lines 31-47, but this section describes real-time providing of software enhancements, without explicitly describing first and second processors as recited in Applicant's claim 1. Accordingly, this rejection of claim 1 should be withdrawn.

Applicant's independent claims 66-68 are believed allowable for similar reasons as discussed above.

Claims 11-14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,697,824 B1) and Shostack et al. (U.S. 6,298,445 B1) as applied to claim 10 above, and further in view of Bergkvist, Jr. et al. (U.S. 5,535,380) (hereinafter "Bergkvist").

Applicant's dependent claim 11 recites a first processor performing real-time operations and a second processor performing high level processing functions. The Examiner apparently states that Bowman-Amuah and Shostack et al. do not show the foregoing.

The Examiner has cited Bergkvist (col. 4, lines 15-60). Bergkvist here mentions real time interrupt frequencies and RTIP registers, and mentions general purpose registers "within the processor". However, Bergkvist does not here describe first and second processors with each processor performing functions as Applicant claims. The Examiner has failed to provide any explanation of how Bergkvist shows or suggests such processors. Accordingly, this rejection of claim 11 should be withdrawn.

Claims 19 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,697,824 B1) and Shostack et al. (U.S. 6,298,445 B1) as applied to claim 10 above, and further in view of Bergkvist, Jr. et al. (U.S. 5,535,380) (hereinafter "Bergkvist").

Claims 19 and 20 depend, directly or indirectly, from Applicant's claim 1 and are believed allowable for at least the reasons discussed above.

Claims 22-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,697,824 B1) and Shostack et al. (U.S. 6,298,445 B1) as applied to claim 1 above, and further in view of Kirby (U.S. 6,829,437 B2).

Claims 22-24 depend, directly or indirectly, from Applicant's claim 1 and are believed allowable for at least the reasons discussed above.

In addition, claim 22 recites "at least one switch of a first speed and at least one switch of a second speed". The Examiner has cited Kirby at col. 6, lines 52-63, as teaching first and second speeds. However, this cited section discusses the routing of a given wavelength to an output fiber. The Examiner has not presented any argument explaining how this relates to first and second speeds as recited in Applicant's claim 22. Therefore, the rejection of claim 22 should be withdrawn for this further reason.

Claim 33 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,697,824 B1) and Shostack et al. (U.S. 6,298,445 B1) as applied to claim 1 above, and further in view of Cox et al. (U.S. 6,738,814 B1).

Claim 33 depends, directly or indirectly, from Applicant's claim 1 and is believed allowable for at least the reasons discussed above.

Claims 48-50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,697,824 B1) and Shostack et al. (U.S. 6,298,445 B1) as applied to claim 1 above, and further in view of Vasudevan et al. (U.S. 6,715,077 B1).

Claims 48-50 depend, directly or indirectly, from Applicant's claim 1 and are believed allowable for at least the reasons discussed above.

In addition, claim 50 recites "establishing a synchronism hierarchy in response to the network resource information". The Examiner has cited Vasudevan et al. (col. 3, line 32, to col. 4, line 42) as teaching this synchronism hierarchy. This cited section describes supporting various modes of security operation and providing different levels of functionality for applications 16. However, the Examiner has not at all explained how this suggests synchronism hierarchy as recited in Applicant's claim 50. Therefore, the rejection of claim 50 should be withdrawn for this further reason.

Claim 51 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. 6,697,824 B1) and Shostack et al. (U.S. 6,298,445 B1) as applied to claim 1 above, and further in view of Chittor et al. (U.S. 5,987,552).

Claim 51 depends, directly or indirectly, from Applicant's claim 1 and is believed allowable for at least the reasons discussed above.

It is noted that those of Applicant's other dependent claims not specifically discussed above depend, directly or indirectly, from independent claim 1 and are believed to be allowable for at least the reasons discussed above with respect to claim 1.

Applicant has added new independent claims 69 and 70.

Claim 69 recites "wherein the at least one node comprises at least one hybrid switch, wherein the at least one hybrid switch includes at least one interface port coupled

among at least one switch of a first speed and at least one switch of a second speed". Claim 69 is believed allowable for similar reasons as discussed above for claim 22.

Claim 70 recites "establishing a synchronism hierarchy in response to the network resource information". Claim 70 is believed allowable for similar reasons as discussed above for claim 50.

In view of the above, Applicant respectfully requests the reconsideration of this application and the allowance of all pending claims. It is respectfully submitted that the Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Applicant believes that the Examiner's other arguments not discussed above are moot in light of the above arguments, but reserves the later right to address these arguments. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

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